

# EXHIBIT H

## Steve Schwarz

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**From:** Steve Schwarz  
**Sent:** Thursday, March 16, 2023 6:20 PM  
**To:** Christopher Betke; Jaclyn Wanemaker; Maria T. Mastriano  
**Cc:** Matthew Belanger; Catherine D. Aughey  
**Subject:** RE: [External] Marcellin and Estate of Hollowell v. Staples and HP  
**Attachments:** 69997-001 Investigation\_Research 3\_19\_2021 1\_30\_00 PM\_20230310020157.pdf

The computer involved in the fire has been identified by serial number. Your expert identified it and the attached photograph is something you have had from day one. The issue is only whether she purchased it new, or actually bought a refurbished computer without knowing it. I do not find anything on what you just sent me, which was not previously disclosed, that indicates she was the warranty registrant. If you have that information it should be disclosed. I will email the judge's chambers first thing in the morning and we will see if he will listen to your argument that the deposition should be adjourned over this issue. My proposal is to go forward with your questioning and if you need a second deposition because of this information we can discuss that.



**Stephen G. Schwarz, Esq.**  
*Managing Partner*

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**From:** Christopher Betke <cbetke@coughlinbetke.com>  
**Sent:** Thursday, March 16, 2023 6:12 PM  
**To:** Steve Schwarz <sschwarz@faraci.com>; Jaclyn Wanemaker <jwanemaker@smithsovik.com>; Maria T. Mastriano <mmastriano@pmtlawfirm.com>  
**Cc:** Matthew Belanger <mbelanger@faraci.com>; Catherine D. Aughey <caughey@faraci.com>  
**Subject:** RE: [External] Marcellin and Estate of Hollowell v. Staples and HP

[EXTERNAL: This email originated from outside of the organization.]

Here is the warranty look up we found for your client's notebook registered in early 2011 (HP 00482). So, basically, you have identified a computer purchased 4 years after the computer that we believed she registered for warranty purposes. How can we go forward tomorrow without figuring out this discrepancy? We have a right to know what computer Ms. Marcellin contends was defective before taking her deposition. I do not know why Ms. Marcellin traveled. She certainly did not travel at the request of defendants. In fact, we specifically agreed to a zoom deposition for her convenience. Why did she travel? Regardless, we did not have anything to do with that.

In any event, yes, if you wish to hold to your position that the deposition has to go forward tomorrow with an unidentified computer that you told us about over email, and not in a formal pleading, we should bring the issue to the Court's attention. Chris

**CHRISTOPHER G. BETKE**

**PARTNER**

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**From:** Steve Schwarz <[sschwarz@faraci.com](mailto:sschwarz@faraci.com)>

**Sent:** Thursday, March 16, 2023 5:43 PM

**To:** Christopher Betke <[cbetke@coughlinbetke.com](mailto:cbetke@coughlinbetke.com)>; Jaclyn Wanemaker <[jwanemaker@smithsovik.com](mailto:jwanemaker@smithsovik.com)>; Maria T. Mastriano <[mmastriano@pmtlawfirm.com](mailto:mmastriano@pmtlawfirm.com)>

**Cc:** Matthew Belanger <[mbelanger@faraci.com](mailto:mbelanger@faraci.com)>; Catherine D. Aughey <[caughey@faraci.com](mailto:caughey@faraci.com)>

**Subject:** RE: [External] Marcellin and Estate of Hollowell v. Staples and HP

I will contact the Magistrate's chambers in the morning. You are acting as if this is going to be some major change in your questioning of the Plaintiffs. You can articulate that to the Magistrate Judge and why you shouldn't move ahead with these depositions tomorrow based on this change. Additionally, you have information on when and where this computer was sold that you have failed to provide. We will send follow up interrogatories, but you were aware that Plaintiff was not the person that had the original warranty, so you knew or should have known she didn't purchase it new. We have just figured that out and could have known it sooner if either defendant had actually responded to our discovery demands in good faith. I'm not sending this 80 year old woman home again.

**Faraci Lange**  
**ATTORNEYS**

**Stephen G. Schwarz, Esq.**

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**From:** Christopher Betke <[cbetke@coughlinbetke.com](mailto:cbetke@coughlinbetke.com)>

**Sent:** Thursday, March 16, 2023 5:38 PM

**To:** Steve Schwarz <[sschwarz@faraci.com](mailto:sschwarz@faraci.com)>; Jaclyn Wanemaker <[jwanemaker@smithsovik.com](mailto:jwanemaker@smithsovik.com)>; Maria T. Mastriano <[mmastriano@pmtlawfirm.com](mailto:mmastriano@pmtlawfirm.com)>

**Cc:** Matthew Belanger <[mbelanger@faraci.com](mailto:mbelanger@faraci.com)>; Catherine D. Aughey <[caughey@faraci.com](mailto:caughey@faraci.com)>

**Subject:** RE: [External] Marcellin and Estate of Hollowell v. Staples and HP

[EXTERNAL: This email originated from outside of the organization.]

Steve: Your position doesn't make any sense. First, this is such meaningless change that... you are proposing to amend your complaint and answers to interrogatories at this late stage. We understand that mistakes happen but, if you make a mistake, you cannot foist the result of that on us. That's not cool. Also, I do not agree that changing this date does not cause other issues in the case to change. Certainly, we have a right to see the amended answers and consider what the implication to the case is that your client is now saying she bought the product 5 years later than she originally said she did that you told us about at the last minute. Again, mistakes happen and I am not giving you a hard time about that. I am just against you attempting to make your mistake our problem. As far as adjourning a second time – HP did not adjourn the deposition the first time. Another party had an issue and we agreed to continue the deposition at their request. That has nothing to do with us. Finally, you should note that if you attempt to foist the results of your mistake on us, we will oppose any effort to amend the complaint. We will not let you reap an advantage by this action. Best, Chris

**CHRISTOPHER G. BETKE**

**PARTNER**

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**From:** Steve Schwarz <[sschwarz@faraci.com](mailto:sschwarz@faraci.com)>

**Sent:** Thursday, March 16, 2023 5:17 PM

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**Subject:** RE: Marcellin and Estate of Hollowell v. Staples and HP

I am not consenting to that. It is one date, and I have given you the amendment. Changing 2010 to 2015 does not require you to adjourn the deposition, now a second time. We will be producing the witnesses tomorrow. If you want to seek a second deposition due to this date change, you can make an application to the court later.



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**From:** Jaclyn Wanemaker <[jwanemaker@smithsovik.com](mailto:jwanemaker@smithsovik.com)>

**Sent:** Thursday, March 16, 2023 5:15 PM

**To:** Steve Schwarz <[sschwarz@faraci.com](mailto:sschwarz@faraci.com)>; Maria T. Mastriano <[mmastriano@pmtlawfirm.com](mailto:mmastriano@pmtlawfirm.com)>

**Cc:** Christopher Betke <[cbetke@coughlinbetke.com](mailto:cbetke@coughlinbetke.com)>; Matthew Belanger <[mbelanger@faraci.com](mailto:mbelanger@faraci.com)>; Catherine D. Aughey <[caughey@faraci.com](mailto:caughey@faraci.com)>

**Subject:** RE: Marcellin and Estate of Hollowell v. Staples and HP

[EXTERNAL: This email originated from outside of the organization.]

Steve,

We need the opportunity to review the amended answers to interrogatories and the amended complaint before we do depositions and therefore must adjourn tomorrow.

I am available next week on 3/23 and 3/24. Maria was previously available on those dates. If she still is and it works on your end, we can keep the HP deposition on as scheduled for 3/28.

Please let me know.

Thank you,  
Jackie

**Jaclyn Wanemaker**

Partner

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**From:** Steve Schwarz <[sschwarz@faraci.com](mailto:sschwarz@faraci.com)>

**Sent:** Thursday, March 16, 2023 4:39 PM

**To:** Maria T. Mastriano <[mmastriano@pmtlawfirm.com](mailto:mmastriano@pmtlawfirm.com)>; Jaclyn Wanemaker <[jwanemaker@smithsovik.com](mailto:jwanemaker@smithsovik.com)>

**Cc:** Christopher Betke <[cbetke@coughlinbetke.com](mailto:cbetke@coughlinbetke.com)>; Matthew Belanger <[mbelanger@faraci.com](mailto:mbelanger@faraci.com)>; Catherine D. Aughey <[caughey@faraci.com](mailto:caughey@faraci.com)>

**Subject:** Marcellin and Estate of Hollowell v. Staples and HP

Counsel

In prepping my clients today we discovered an error in Plaintiffs Complaint, paragraph 10 and Plaintiffs' Answers to HPs Interrogatories, Interrogatory 10. We believe the Laptop was purchased in 2015 not 2010. We apologize for this error and will serve amended answers and seek your consent to file an amended complaint, but wanted you to know this in advance of tomorrow's depositions.

Steve

**'araci Lange**  
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*Managing Partner*

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